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ABSTRACT

A survey of the 50 United States investigated laws and policy concerning programs for limited-English-proficient (LEP) students in elementary and secondary schools. This summary outlines state requirements imposed on schools regarding specific types of programs that must be offered to LEP students, the number of LEP students to be served, and the level of state funding for these programs. An introductory section notes the states that mandate bilingual education, those that forbid bilingual education, those with specific laws for LEP programs and those with no laws regarding LEP programs, states that fund all LEP programs, those that fund only bilingual education programs, those funding only non-bilingual education programs, and states with no funding for LEP programs. A subsequent summary for each state includes the name and telephone number of a contact person, requirements, and notes on funding level. (MSE)

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READ ABSTRACTS

Research and Policy Brief November 1997

A 50-State Survey of Requirements for the Education of Language Minority Children

By
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and
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to advance public awareness regarding the education of language minority students.

Introduction

By Rosalie Pedalino Porter, Ed.D.
Director of Research, READ Institute
November, 1997

The Institute for Research in English Acquisition and Development (READ) collects, analyzes and distributes a variety of data directly affecting the education of language minority children—those 3 million plus (1997) students in U.S. public schools who can not do regular work in English. READ funds its own research projects on effective learning programs for limited-English students, as well as reprinting and distributing valuable information prepared by other agencies.

The following READ Abstract presents the most up-to-date information available in each of our 50 states regarding mandated program requirements, numbers of limited-English students in grades K-12, and the amount of special funding provided for their schooling. Readers will immediately note the wide variations in per pupil spending for English language learners—from zero dollars in some states to over $1,000. in others.

Other vital data included in this Abstract is the name and telephone number of the designated contact person in each state who may provide additional information on request. Although staff may change, it is useful to know where to start the search in a particular state.

The project was conducted by Anita Garcia at the University of California at Berkeley and Cynthia Morgan at Ashland University, under the direction and with the full support of the Center for Equal Opportunity in Washington, DC. The READ Institute is pleased to make this information available to educators, parents of limited-English students, and the education media.

50-State Survey of Requirements for the Education of Language Minority Children

By Anita Garcia and Cynthia Morgan[1]

Schools around the United States are now faced with educating a growing number of children who lack basic English skills. According to the National Clearinghouse for Bilingual Education Summary Report of the Survey of the States' Limited English Proficient Students and Available Educational Programs and Services 1994-1995, there are 2,437,723 Limited-English Proficient students in the U.S.[2] Only a few years ago, many schools had never dealt with a language minority child. Today, an increasing number of school districts enroll these children. The challenge of providing a quality education to all students is doubled when schools must also teach a child an entire new language as well as academic courses.

Over the last 30 years, elected officials, education agencies, and the courts have established guidelines for the education of these students. Federal requirements allow states a wide range of latitude in selecting the most effective programs for their limited-English proficient (LEP) students. Many states have enacted their own laws governing the management and style of programs for LEPs. These laws have been developed in cooperation with, or under coercion from, federal agencies and/or activist organizations. The result has been a patchwork of laws and regulations that can vary greatly from state to state.

This Policy Brief summarizes state requirements imposed on schools regarding the specific types of programs which must be offered to LEP students. It answers three basic questions. What programs are required? How many LEP students are there? How much funding is provided by the state for these students? It does not address state requirements regarding the identification or placement of LEP students or parental rights.

Federal law regarding LEP students is governed by a variety of legislative acts and court decisions. The first of these is Title VI of the Civil Rights Act of 1964 which states that:

> *No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.*

In 1974 Congress passed the Equal Educational Opportunity Act (EEOA), requiring schools to take "appropriate action" to overcome the language barriers of students who cannot speak English. That same year, the Supreme Court decided in *Lau v. Nichols* (1974) that school districts must assist LEP students through a program designed to meet their particular educational needs. The Court did not determine a particular program for schools to follow, instead recommending a variety of approaches. *Lau* gave districts the opportunity to choose between bilingual education, English as a Second Language (ESL), and other programs which appropriately assist students. Under federal law, every LEP student must receive specialized instructional services.

Since the Equal Educational Opportunity Act did not define what "appropriate actions" are, the decision by the U.S. Court of Appeals for the Fifth Circuit, in *Castaneda v. Pickard* (1981) established a three-pronged test to determine the meaning of "appropriate action." First, any program must be based upon an accepted educational or experimental theory. Second, the school's implementation must be consistent with the chosen educational theory. This relates to the individual school's "genuine and good faith efforts, consistent with local circumstances and resources."[3] Lastly, the program must produce results in terms of whether language barriers are being overcome.

Our summary of state laws and regulations does not include recommendations for LEP programs because there is no way to know if the suggestions are followed and they are not enforceable by law. There are generally two types of programs adopted by schools for assisting LEP students: Bilingual Education and English as a Second Language or English for Speakers of Other Languages. Bilingual Education uses native language instruction while English as a Second Language (ESL) and English for Speakers of Other Languages (ESOL) focus on instruction in English.

STATE REQUIREMENTS

States Which Mandate Bilingual Education (11)
Alaska, California, Connecticut, Illinois, Indiana, Massachusetts, New Jersey, New York, Texas, Washington, Wisconsin

States Which Forbid Bilingual Education (3)
Arkansas, Delaware, Nebraska

Non-Program States With Specific Laws For LEP Programs (25)
Arizona, Colorado, Florida, Georgia, Hawaii, Idaho, Iowa, Kansas, Maine, Maryland, Michigan, Minnesota, Missouri, Nevada, New Hampshire, New Mexico, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Tennessee, Utah, Virginia

States With No Laws Regarding LEP Programs (11)
Alabama, Kentucky, Louisiana, Mississippi, Montana, North Dakota, South Carolina, South Dakota, Vermont, West Virginia, Wyoming

States Which Fund all LEP Programs (28)
Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maryland, Massachusetts, Minnesota, Nebraska, New Jersey, New York, North Dakota, Oklahoma, Rhode Island, Texas, Utah, Washington, West Virginia, Wisconsin

States Which Only Fund Bilingual Education Programs (2)
Michigan, New Mexico

States Which Fund Only Non-Bilingual Education Programs (1)
Virginia

States With No Funding For LEP Programs (19)
Delaware, Georgia, Kentucky, Louisiana, Maine, Mississippi, Missouri, Montana, Nevada, New Hampshire, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Utah, Wyoming

A STATE BY STATE SUMMARY

Alabama

Contact: Diane Courtney, Education Specialist, (334) 242-9700.

Requirements: Alabama has no mandate.

Funding: State code[4] allocates separate funds for assistance programs of $100 per student. These programs are designed for students termed "at-risk" by performing below State Board of Education standards. There are 3,502 LEP students, who are eligible for the "at-risk" funding.

Alaska

Contact: Anne Kessler, Alaska Department of Education, (907) 465-8716.

Requirements: Bilingual/Bicultural education is mandated for every school district which has eight or more LEP students, or even students who are English proficient but can speak another language, of any one language in any one school.[5] Districts may apply for a waiver from these requirements.

Funding: There are 29,929 LEP students in Alaska receiving $20,641,401.

Arizona

Contact: Nancy Mendoza, Deputy Associate Superintendent, Bilingual Migrant and Indian Education, Legislative Liaison, (602) 542-3204.

Requirements: State statutes require all schools to provide either a bilingual or an ESL program for each LEP student[6].

Funding: There are 98,128 LEP students receiving $14,341,881 (note: all programs for LEP students are eligible for funding).

Arkansas

Contact: Andre Guerro, State Director of Language Minority Students, (501) 682-4213.

Requirements: Arkansas has no mandate. State law[7] requires all courses to be taught in English, "Any person violating the provisions hereof shall be deemed guilty of a misdemeanor and upon conviction shall be fined not to exceed twenty-five dollars, payable into the general school fund of the county."[8] However, school districts are allowed to establish ESL programs.

Funding: There are 5,500 LEP students, receiving $6 million allotted biannually in the last session of the state legislature, 1995.

California

Contact: Leroy Hamm, Complaints Management and Bilingual Compliance Unit, (916) 657-3699.

Requirements: The California statutes mandating bilingual education were allowed to sunset on June 30, 1987. The Legislature continued funding programs and under the state's interpretation, all California schools must offer bilingual learning opportunities to every LEP student. ESL programs are allowed only in certain circumstances. Schools having at least 10 LEP students who speak the same language must provide a bilingual program.

Funding: There are 1,262,982 LEP students who receive an estimated $300 million in state funding[9] (note: districts which are not in compliance with the bilingual mandate can lose this funding).

Colorado

Contact: Dr. Roger Martinez, State Bilingual Coordinator, Colorado Department of Education, (303) 866-6771.

Requirements: Colorado statutes[10] require that instruction in public schools be conducted in English with the exception of LEP transitional programs which may be bilingual education or ESL and are required under Colorado's English Language Proficiency Act. The Denver School District Consent Decree[11] requires the creation of a bilingual education program. The criteria for these programs is based on the number of LEP students in separate categories for the individual schools. Grades K-6, which have 70 or more LEP students; grades K-3, which have 40 or more LEP students; and K, 4-6 which have 30 or more LEP students must establish bilingual programs.

Funding: There are 24,247 LEP students, and the state provides funding which may not exceed $400 per year per student for up to two years. The total state funding for LEP students for 1995-96 was $2.6 million.

Connecticut

Contact: George DeGeorge, Bilingual Education Consultant, (860) 566-2169.

Requirements: Under State statutes[12] any school or school district with 20 or more LEP students who speak any one language must provide a bilingual education program.

Funding: There are 20,392 LEP students, receiving $2.26 million.

Delaware

Contact: Sister Margie Loveland, Education Specialist Bilingual/ESL Programs, Delaware Department of Education, (302) 739-2770.

Requirements: There are no statutes or regulations. However, by law, English is the language of instruction.[13] State Board of Education policy recommendations call for either bilingual or ESL programs for LEP students.

Funding: There are 1,625 LEP students. There is no state funding.

Florida

Contact: Bernardo A. Garcia, Director Office of Multicultural Student Language Education, (904) 487-8533.

Requirements: State statutes require that either a bilingual or an ESOL program be provided if there are at least 15 students who speak the same language in a school. They must have access to a teacher who is proficient in their native language in addition to a trained ESOL teacher.[14]

Funding: There are 153,841 LEP students receiving $ 373.5 million for LEP programs.

Georgia

Contact: Beth Arnow, Migrant/ESOL Programs Coordinator, Georgia Department of Education, (404) 656-4495.

Requirements: State law[15] requires schools to provide LEP student programs, designed to develop both the necessary English skills and American culture concepts for participation in regular English classroom instruction.

Funding: There are 15, 277 LEP students. There is no state funding.

Hawaii

Contact: Dr. Alan Ramos, (808) 733-4495.

Requirements: Hawaii administrative education rules forbid discrimination on the basis of national origin or race.[16] This has been interpreted to mean that language minority students must receive special services. Both ESL and bilingual education programs are allowed.

Funding: There are 12,186 LEP students, receiving $7 million in state funding.

Idaho

Contact: Irene Chavolla, Migrant Coordinator, (208) 332-6907.

Requirements: State law[17] requires English to be the language of instruction. However, transitional programs may be provided for students who do not speak English in their homes. A consent decree[18] requires a uniform, comprehensive and appropriate program statewide.

Funding: There are 13,188 LEP students, receiving $2.25 million in state funding.

Illinois

Contact: Rene Valenciano, Illinois State Board of Education, (314)814-3986.

Requirements: All LEP students must be served by either a transitional bilingual education program or a transitional program of instruction.[19] Any school that has 20 or more LEP students of a single language group must establish a transitional bilingual education program.[20]

Any school with fewer than 20 LEP students of a particular language group may institute a bilingual program but must at the minimum institute a transitional program of instruction.[21]

Funding: Illinois provides $55.5 million in state funding for its transitional programs of instruction and transitional bilingual education programs. Illinois has 107,084 LEP students.

Indiana

Contact: Darlene Slaby, Director Language and Minority Programs, (317) 232-0555.

Requirements: State statutes[22] require school districts to provide bilingual-bicultural programs for those students whose native language is not English, who speak a language other than English more often, or who live in a home where the language most often spoken is not English. The goal of the program is to assist students in reaching their full academic achievement and to preserve an awareness of cultural and linguistic heritage.

Funding: There are 6,293 LEP students. There is no state funding.

Iowa

Contact: Dan Chavez, Bilingual/ESL and Grant Management Consultant, (515) 281-3805.

Requirements: There is no mandate. Iowa code[23] allows for transitional bilingual and/or ESL programs.

Funding: There are 8,000 LEP students in Iowa. State funding is $4 million per year. There is a three year limit per student for program enrollment.

Kansas

Contact: Kimberley Kreiker, ESOL/Bilingual Migrant and Indian Education Program Consultant, (913) 296-7929.

Requirements: State law[24] requires schools to establish programs for LEP students which integrate them into the regular educational programs and are taught by qualified teachers, as determined by the state board. Schools are allowed to employ measures such as entering into a multi-district arrangement to share the costs of the program. An advisory board is established by the state board to provide technical assistance to the school districts.

Funding: There are 12,050 LEP students, who received $4.2 million in 1996.

Kentucky

Contact: Nancy LaCount, Branch Manager Instructional Strategies, (502) 564-2672.

Requirements: There are no statutes or regulations.

Funding: There are 2,774 LEP students. There is no state funding.

Louisiana

Contact: Sally M. Tyler, Education Program Specialist, Bilingual Education/ESOL, State of Louisiana Department of Education, (504) 342-3454.

Requirements: There are no statutes or regulations[25].

Funding: There are 6,448 LEP students. There is no state funding.

Maine

Contact: Dr. Barney Berube, Department of Education, Bilingual Education, English as a Second Language, (207) 287-5984.

Requirements: State law[26] requires English to be the language of instruction, but allows for bilingual or ESL programs for LEP students. The program must provide transitional language support services to aid in the acquisition of communicative and academic English skills.

Funding: There are 2,360 LEP students. There is no state funding.

Maryland

Contact: Jill Bayse, Specialist in Foreign and Second Language Learning, Maryland State Department of Education, (410) 767-0344.

Requirements: State law[27] establishes guidelines for creating both bilingual and ESL programs. Each school is required to establish either an ESL or bilingual education program

for students identified as LEP through the home language survey as well as an assessment of English listening, speaking, reading, and writing skills.

Funding: There are 15,250 LEP students. The state provides $500 for two years per student in the form of grants.[28]

Massachusetts

Contact: Tony Delorenzo, Massachusetts Department of Education, (617) 388-3300.

Requirements: Any school district with 20 or more LEP students of any grade level and of a particular language group must offer a program of transitional bilingual education for the students.[29] No school may place LEP children of different language backgrounds in the same bilingual program without the approval of the state Department of Education.[30] Bilingual education programs may include English proficient children.[31] Multi-grade classrooms are allowed, but the age spread between students cannot exceed four years, except for kindergarten, in which case the age spread cannot exceed one year.[32] Additionally, the state Board of Education may, upon petition from a school committee, waive any of these requirements in a particular school district for such a time as is necessary to avoid undue hardship to that district.[33]

Funding: Massachusetts has 44,211 LEP students. The state does provide funding for bilingual programs but it is included in general support and is not restricted. Nicholas Fischer of the state Department of Education estimates that the State provides $110 million for bilingual programs.

Michigan

Contact: Jesus Solis, Office of Equity and Bilingual Education, (517) 373-4580.

Requirements: Michigan no longer mandates[34] bilingual instruction for LEP students. Schools are required to provide either ESL or bilingual programs, but only bilingual programs receive state funding.

Funding: There are 45,163 LEP students. The allocation of funds is based on LEP student enrollment, and is not to exceed $4.2 million for 1995-96.

Minnesota

Contact: Joyce Biagini, (612) 296-6104.

Requirements: The state does not require either a bilingual or an ESL program, but any district with either program is required, by the statutes,[35] to prevent LEP student isolation for any substantial part of the school day and to facilitate their integration into non-verbal subjects such as art, music, and physical education.

Funding: There are 2,500 LEP students, receiving $15 million for 1995-96.

Mississippi

Contact: Dr. Ada Belton, Coordinator, Bilingual Education, (601) 359-3513.

Requirements: There are no state regulations.

Funding: There are 2,808 LEP students. There is no state funding.

Missouri

Contact: Dr. Joel Judd, Supervisor, Title VII Programs, Missouri Department of Elementary and Secondary Education, (573) 751-8281.

Requirements: State statutes provide for the creation of programs for students who are at-risk of dropping out of school. Bilingual and ESL programs are included under this provision to address the specific needs of LEP students.[36]

Funding: There are 6,053 LEP students. There is no state funding.

Montana

Contact: Lynn Hinch, Bilingual Education Specialist, (406) 444-3095.

Requirements: There is no mandate.

Funding: There are 8,268 LEP students. There is no state funding.

Nebraska

Contact: Nancy Rowch, Nebraska Department of Education, (402) 471-2295.

Requirements: Nebraska has no state statutes or regulations concerning LEP students or bilingual education programs. State law requires that students be taught in English.[37]

Funding: The Nebraska legislature passed a bill in the first session of 1997, which provides LEP students with 25 percent more funding than other students.[38] There are 3,865 LEP students in Nebraska.

Nevada

Contact: Mary L. Peterson, Superintendent of Public Instruction, Nevada Department of Education, (702) 687-9200.

Requirements: Nevada's revised state statutes require the state Board of Education to establish a program to assist LEP students.[39] The Board has adopted regulations which endorse both ESL and Bilingual instruction programs.

Funding: Nevada provides no state funding for its 23,318 LEP students.

New Hampshire

Contact: Christine Noon, New Hampshire Department of Education, (603) 271-3494.

Requirements: New Hampshire has various policies included in each district's compliance plan, which must be individually approved by the Bureau of Equality at the New Hampshire Department of Education.[40] New Hampshire largely uses the ESL programs for their LEP students, however, bilingual education programs are permitted.[41]

Funding: The state provides $100,000 a year for LEP programs. There are 1,084 LEP students in New Hampshire.

New Jersey

Contact: Linda Carmona-Bell, Office of Bilingual Education and Equity Issues, State of New Jersey Department of Education, (609) 292-1211.

Requirements: Any school district in New Jersey with 20 or more LEP students of any one language group is required to establish a bilingual education program.[42] This requirement may be waived if a school district can establish that due to the age range, geographic location, or

grade span of the LEP students, a full-time bilingual program would be impractical.[43] The school district would still be required to implement a special alternative instructional program to serve these students.[44] School districts with fewer than 10 LEP students must provide services to improve the English language proficiency of those students.[45] When there are more than 10 LEP students within a school district, the district must establish an ESL program.[46] All LEP students must be enrolled in one of the above programs and may be placed in regular English monolingual classes when they are ready to function in such a program.[47] In addition, schools are not required to provide bilingual education to individual students for more than three years.[48]

Funding: New Jersey has 48,582 LEP students for which the state provided $57.4 million in the 1997-1998 school year.

New Mexico

Contact: Lupe M. Castillo, Coordinator Title VII, ESEA, Bilingual Education
New Mexico Department of Education, (505) 827-6566.

Requirements: New Mexico state law establishes bilingual education programs as a local option, not a mandate. However, only bilingual programs can receive state funds.[49] All state programs for English learners must be reviewed at regular intervals by the School Board, the State Department of Education, and a required parent advisory board.[50] This evaluation should include students' achievement in English and in the home language.[51]

Funding: New Mexico has 80,850 LEP students for which the state allocated approximately $35 million in the 1996-1997 school year.

New York

Contact: Carmen Perez Hogan, Coordinator of Office of Bilingual Education, State Department of Education, (518) 474-8775.

Requirements: Each school district receiving state funds for programs for English learners, which has 20 or more LEP students in the same grade level assigned to a building with the same native language, must have a bilingual education program.[52] New York schools may not keep children in programs for English learners for more than three years, but the state Commissioner of Education may extend that period with respect to individual students for up to six years total.[53] Additionally, all LEP students' proficiency in English must be measured annually to determine if the student should remain in the program.[54]

Funding: New York has 210,198 LEP students for which the state provides $57 million in funding.

North Carolina

Contact: Jane S. Cowan, ESL Consultant, North Carolina Department of Public Instruction, (919) 715-1796.

Requirements: The North Carolina Department of Public Instruction requires that each school district adopt a program for LEP students. North Carolina requires that these programs be ESL, bilingual education, or other programs which meet the needs of the students.[55]

Funding: There is no categorical funding for LEP students. There are 14,881 LEP students in North Carolina.

North Dakota

Contact: Mari B. Rasmussen, Coordinator, Bilingual Education, North Dakota Department Public Instruction, (701) 328-2958.

Requirements: North Dakota has no laws or regulations regarding LEP students.

Funding: North Dakota's fifty-fifth legislative assembly approved a bill which would provide $300 for each student who has been tested and recognized by the student's school district as having limited English language skills.[56] The funding for LEP students may be granted up to the sum of $150,000 per year for a two year period. There are 5,616 LEP students in North Dakota.

Ohio

Contact: Dan Fleck, Ph.D., Educational Consultant, Ohio Department of Education - Lau Resource Center for English as a Second Language, Bilingual, and Multicultural Education, (614) 466-3641.

Requirements: The Ohio Department of Education does not mandate that school districts use a particular approach to assist LEP students. The only mandate is that schools with a bilingual education program have one certified bilingual teacher for every 25 students.[57] ESL Programs are also used in addition to structured immersion and tutoring.

Funding: There are 11,343 LEP students present in Ohio, for which Ohio has no specific funding.

Oklahoma

Contact: Dr. Van Anderson, Oklahoma State Department of Education, (405) 521-3301.

Requirements: The Oklahoma Attorney General ruled in 1975 that schools must "make remedial efforts by providing bilingual classes or otherwise as necessary to meet the linguistic needs of pupils who enter school unable to speak and understand the English language[58]." English is still considered the basic language of instruction in Oklahoma, but other languages may be used to instruct students.

Funding: Oklahoma provides an additional 25 percent of state funding per child, for students who are gifted or are in need of special education. This includes their 31,561 LEP students.

Oregon

Contact: Merced Flores, Associate Superintendent Compensatory Programs and Student Services, Oregon Department of Education, (503) 378-3569 ext.675.

Requirements: Oregon doesn't require any specific programs for LEP students, but state law permits bilingual instruction for students "who are unable to profit from classes taught in English."[59] Special courses are offered until students can benefit from classes taught solely in English.

Funding: Oregon has 25,701 LEP students. There is no state funding.

Pennsylvania

Contact: Myrna Delgado, Pennsylvania Department of Education, (717) 787-1890.

Requirements: Pennsylvania has no state laws concerning bilingual education or LEP programs. However, one curriculum regulation exists which states that every school district shall provide a program for each student whose dominant language is not English so that they may obtain English proficiency. Programs must be either bilingual-bicultural or ESL instruction.[60]

Funding: Pennsylvania has 19,861 LEP students for which no state funding has been established.

Rhode Island

Contact: Maria Lindia, Rhode Island Department of Education, (401) 277-4600.

Requirements: Each district is required to design a program to assist its LEP students.[61] Most districts have chosen ESL programs. No other mandates or regulations exist in Rhode Island.

Funding: Rhode Island has 8,643 students for which the state allocates $1.4 million. The Providence district, an urban area with the highest concentration of LEP students, provides an additional $250,000 of local funding.

South Carolina

Contact: Jaqui Asbury, South Carolina Department of Education, (803) 734-8500.

Requirements: South Carolina has no statutes or regulations regarding education of LEP students.

Funding: South Carolina has no state funding for its 1,826 LEP students.

South Dakota

Contact: Pat Stuart, South Dakota Department of Education and Cultural Affairs, (605) 773-3134.

Requirements: South Dakota has no state laws or regulations for programs for LEP students.

Funding: South Dakota has 4,630 LEP students in public schools and provides no specific state funding.

Tennessee

Contact: Julie P. McCargar, Director, Equity and Excellence, Tennessee Department of Education, (615) 532-6245.

Requirements: Tennessee passed a Civil Rights Act in 1964 at the state level, which was amended in 1995 by Chapter 381 of the Public Acts. The Act makes each district responsible for designing its own LEP program, having its resources effectively implemented, and proving its program is effective or under modification by regular evaluations. English as a Second Language programs are endorsed and are to be taught by ESL certified teachers. Furthermore, if the programs are not available in the student's home school, the district must provide transportation to a place where services are offered.

Funding: No state funding is provided for Tennessee's 4,002 LEP students.

Texas

Contact: Maria Seidner, Director of Bilingual Education, Texas Education Agency, (512) 463-9551.

Requirements: State statutes require school districts with 20 or more limited English proficient students in the same grade level "in any language classification" to establish a bilingual program. This mandate only applies to grades K through 6. LEP students in higher grades must be provided with either a bilingual or an ESL program.

Funding: There are 454,883 LEP students who received $111 million last year.

Utah

Contact: Kathy Akin, Utah State Office of Education (801) 538-7830.

Requirements: Utah state statutes require all school districts to implement programs for LEP students. These can be bilingual, or ESL, or another established alternative.[62] The San Juan County School District and the Navajo Nation entered into a consent decree which requires the district to establish a bilingual education committee to review the existing bilingual education program.[63] The committee must determine whether to accept, improve, or expand the bilingual program. The school district relies on this new decision since it replaces the 1975 Agreement and Consent Decree.

Funding: Utah's state funding for LEP programs has fluctuated from $3.6 million in the 96-97 schools year to $2.3 million for the 97-98 school year. There are 21,360 LEP students in Utah.

Vermont

Contact: Jim McCobb, Rural Education Center, (802) 658-6342.

Requirements: Vermont has no state laws or regulations for the implementation of programs for its LEP students.

Funding: Vermont offers no state funding for its 869 LEP students.

Virginia

Contact: David E. Cox, Specialist, Foreign Languages/ESL, Virginia Department of Education-Division of Instruction, (804) 225-2593.

Requirements: Virginia state law mandates instruction in English that is designed to enhance the education of students for whom English is a second language. The state regulates that programs for LEP students "should include a means of identification, assessment, and placement in an appropriate education program."[64]

Funding: Virginia requires that its state funding of $2.5 million be used only for ESL programs.[65] Virginia has 16,290 LEP students.[66]

Washington

Contact: Roger Barron, Program Supervisor, Bilingual/Migrant Instructional Support Services, (360) 753-2573.

Requirements: Each school district Board of Directors must make available a transitional bilingual instruction program or an alternative instructional program, if the bilingual program isn't feasible. ESL programs qualify under alternative instructional programs. The programs are to last no more than three years with the majority of funding being focused on the early elementary years.[67] However, if a student is unable to demonstrate acceptable improvement, then he or she may remain in the bilingual or alternative instruction program.

Funding: Washington has 50,987 LEP students and provides $27 million for the transitional bilingual or state approved alternative instructional programs.

West Virginia

Contact: Amelia Davis, Project Director, ESL, West Virginia Department of Education, (304) 558-2691.

Requirements: West Virginia has no state statutes or regulations referring to the education of LEP students.

Funding: West Virginia has approximately 3,000 LEP students. Each district is in charge of identifying and assisting its LEP students.[68] State funding is $100,000 per year.

Wisconsin

Contact: Tim Boals, Consultant-Bilingual/ESL Education Program, Wisconsin Department of Public Instruction, (608) 266-5469.

Requirements: Wisconsin state law requires bilingual-bicultural education programs for each language group, if there are 10 or more limited-English speaking students in kindergarten to grade 3, or 20 or more LEP students in grades 4-12. These students are to be taught by bilingual teachers with bilingual counselors made available to high school students. However, if bilingual teachers aren't available, the program may be taught by certified teachers of ESL upon approval by the state superintendent.

Funding: Wisconsin allocates $8.3 million of state funding for the implementation of programs for its 20,541 LEP students.

Wyoming

Contact: Paul Soumokil, Wyoming Department of Education, (307) 777-7673.

Requirements: Wyoming has no state statutes or regulations dealing with the education of its LEP students.

Funding: Wyoming offers no state funding for its 1,791 LEP students.

ENDNOTES

[1] Ms. Garcia and Ms. Morgan are Adjunct Fellows at the Center for Equal Opportunity in Washington, D.C. Ms. Garcia is also a scholar at the University of California at Berkeley for the Foundation for Teaching Economics. Ms. Morgan is also an Ashbrook scholar at Ashland University.

[2] Summary Report of the Survey of the States; Limited English Proficient Students and Available Educational Services 1994-1995. Tables 2.1 and 4.2. Reynaldo F. Macias and Candace Kelly. National Clearing House for Bilingual Education: The George Washington University, 1996. (All individual state figures of LEP students from this point forward come from Table 2.1, except West Virginia and Virginia, which were not included on the table).

[3] Teresa P., Id., 714 citing Castaneda, Id., 1009.

[4] Alabama State Code 16-6B-3 1975.

[5] Alaska Annotated Codes, Education, 4 AAC 34.010 to 4 AAC 34.090.

[6] Arizona Revised Statutes, Annotated, 15-752 (B).

[7] Arkansas State Code 1-4-117 1931.

[8] Arkansas State Code 6-16-104 1996.

[9] "Latino activists sue Calif. educators for bilingual education," *The Washington Times*, August 11, 1997.

[10] Colorado State Statutes, 22-1-103 1988.

[11] Wilfred Keyes, et al. V. Congress of Hispanic Educators, et al. V. School District No. 1, Denver, Colorado, et al. 1984.

[12] Connecticut General Statutes, Annotated, Volume 5A, section 10-17f.

[13] Delaware Code, Annotated, Volume 8, 14 , Sec.122(b)(5).

[14] Florida Statutes, Annotated, Chapter 233.058(3)(D).

[15] Georgia State Code 20-2-156 1996.

[16] Hawaii AR, Title 8, Subtitle 2, Part 1, Chapter 41, Civil Rights Complaint Procedures.

[17] Idaho Code 33-1601 1980.

[18] Idaho Migrant Council v. Board of Education 79-1068.

[19] Illinois Revised Statutes, Chapter 105, Section 5/14C-3.

[20] Illinois Revised Statutes, Chapter 105, Section 5/14C-3.

[21] Illinois Revised Statutes, Chapter 105, Section 5/14C-3.

[22] Indiana State Statutes, 20-10.1-5.5-1.5 1991.

[23] Iowa Code 280.4 1993.

[24] Kansas State Statutes, 75-9501 to 75-9510 1992.

[25] Louisiana State Statutes, 16:1 to 17:410 1994.

[26] Maine State Statutes, 20-A-4701 1964.

[27] Maryland State Senate Bill 720 II-C-1 1994.

[28] Maryland State Senate Bill 720 1994.

[29] Massachusetts General Laws, Annotated, Chapter 71A, Section 2.

[30] Transitional Bilingual Education Regulations, 603 CMR 14.00, Section 14.03 (10).

[31] Transitional Bilingual Education Regulations, 603 CMR 14.00, Section 14.08.

[32] Transitional Bilingual Education Regulations, 603 CMR. 14.00, Section 14.05 (7).

[33] Transitional Bilingual Education Regulations, 603 CMR. 14.00, Section 14.12.

[34] Michigan State Statutes, 15.1-15.2085(24) 1996.

[35] Minnesota State Statutes, 124 to126B.

[36] Missouri School Policy, 8.1 E, English for Speakers of Other Languages.

[37] Nebraska Constitution, Article I, Sec. 27

[38] Legislature of Nebraska, Ninety- Fifth Legislature, First Session. Legislative Bill 806, Final Reading, p. 67, lines 20-24. First read Jan 22,1997.

[39] Nevada Revised Statutes, 388.405.

[40] Equal Education Access for Students With Limited English Proficiency: A Compliance Guide. P.1,6/ Suzanne Irujo, Education Division of Program Support. Bureau of Equity.

[41] New Hampshire Revised Statutes, Annotated. Titles 15, 16 Chapter 189.19 p.143. Equity Publishing Company: Oxford, NH. 1984 Replacement Edition.

[42] New Jersey Statutes, Annotated, Section 18A:35-18 (A).

[43] New Jersey Statutes, Annotated, Section 18A:35-18 (B).

[44] New Jersey Statutes, Annotated, Section 18A:35-18 (B).

[45] New Jersey Administrative Code, Title 6, Section 6:31-1.4 (A).

[46] New Jersey Administrative Code, Title 6, Section 6:31-1.4 (B).

[47] New Jersey Administrative Code, Title 6, Section 6:31-1.4 (A) (B).

[48] New Jersey Statutes, Annotated, Section 18A:35-19.

[49] New Mexico Statutes, Annotated, Section 22-23-6. New Mexico State Department of Education: Guidelines for Compliance, Federal and State Law. P. 11 (1994-95).

[50] New Mexico Statutes, Annotated, Section 22-23-5.

[51] New Mexico Bilingual Education Regulations, No. 75-19, VIII.

[52] New York Education, Section 3204 (2-A); Commissioner's Regulations Part 154.5 (B) (1).

[53] New York Education, Section 3204 (2).

[54] New York Education, Section 3204 (3).

[55] 16 NCAC Subchapter 6D- Instruction. 0106.

[56] Reengrossed Senate Bill No. 2029. Fifty- Fifth Legislative Assembly of North Dakota.

[57] Ohio Revised Code, Standard 3301-36-01.

[58] Opinion 75-231. Issued Oct. 2, 1975.

[59] Oregon Revised Statutes, 1995 Edition. 336.074 - 336.075.

[60] Pennsylvania Code, Chap. 5, Sec. 5.216. ESOL.

[61] General Laws of Rhode Island. Vol. 3B. 16-54-1,2,3,4,5. Michie Law Publishers: Charlottesville, Reenactment of 1996.

[62] R277-716. Alternative Language Services.

[63] 1997 Agreement of Parties. Civil No. 2:74-CV-346-S.

[64] Virginia Code, Section 22.1-212.1.

[65] English As A Second Language: Handbook for Teachers and Administrators. Virginia Department of Education: Foreign Languages and ESL, 1992.

[66] Clarification of Legal Responsibilities for Limited English Proficient (LEP) Students. Virginia Department of Education. p. 3, 1992.

[67] 1992 Revised Code of Washington. Vol. 2 28A.180.060, and 1992 Washington Administrative Code. Vol. 11. 392-160-035.

[68] Chief Council of State School Officers Report on Systematic Reform and Limited English Proficient Students in West Virginia. p. 154-155. 1995.